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In re Application of:
MAIER, Ralf, et al. : COMMUNICATION
U.S. Application No.: 10/550,084 :
PCT No.: PCT/DE2003/003499 :
International Filing Date: 18 October 2003 :
Claimed Priority Date: 19 March 2003 :
Attorney's Docket No.: 10191/3769 :
For: DEVICE FOR ACTIVATING
RESTRAINT MEANS :

This communication is issued in response to applicants' submission on 21 August 2006 of a declaration in which the names of one of the inventors has been changed.

BACKGROUND

On 18 October 2003, applicants filed international application PCT/DE2003/003499. The application claimed a priority date of 19 March 2003, and it designated the United States. On 30 September 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 19 September 2005.

The published international application identifies three applicant/inventors for purposes of the U.S.: Ralf MAIER, Sabine AUST, and Gerhard LOEKLE.

On 19 September 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and an unexecuted declaration.

On 07 July 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form (PCT/DO/EO/905) requiring submission of an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 21 August 2006, applicants filed a response to the Notification Of Missing Requirements that included the required surcharge payment and the executed declaration considered herein. The declaration page for the second inventor has been changed to indicate

that the inventors name is Sabine "Brandenburger gels Aust." The signature appears to read S. Brandenburger.

DISCUSSION

The declaration filed on 21 August 2006 is not acceptable under 37 CFR 1.497 because it is not properly executed by the inventors of record. Specifically, the name of the second inventor on the declaration (Sabine Brandenburger) does not correspond to the name of record for this inventor, Sabine AUST. Because this difference in the inventor's name involves more than a mere typographical error, a petition under 37 CFR 1.182 is required.

Section 605.04(c) of the Manual Of Patent Examining Procedure ("MPEP") sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name where, as apparently is the case here, an inventor's name has been changed after the filing of the application. According to the MPEP, such a petition "must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order."

Thus, a grantable petition under 37 CFR 1.182 to correct the name of record for the second inventor from Sabine AUST to Sabine BRANDENBURGER is required before the declaration filed 21 August 2006 can be accepted under 37 CFR 1.497.

CONCLUSION

The declaration filed on 21 August 2006 is not acceptable under 37 CFR 1.497 for failure to properly identify the current inventors of record.

Applicants have **ONE (1) MONTH** from the mail date of this decision to file either a revised and acceptable declaration properly executed by the applicants of record herein, or a grantable petition under 37 CFR 1.182 correcting the name of the second inventor from Sabine AUST to Sabine BRANDENBURGER, as discussed above and in the MPEP.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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